1 2 3 4 5 6 7	Ronald S. Kravitz, Esq. (SBN: 129704) rkravitz@linerlaw.com Matthew Borden, Esq. (SBN: 214323) mborden@linerlaw.com LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP 199 Fremont Street, 20th Floor San Francisco, CA 94105-2255 Telephone: (415) 489-7700 Facsimile: (415) 489-7701 Attorneys for Plaintiffs and Counterdefendants Mai Christina Pham, John Pham, Mai Nguyen, Hu Nguyen, Joyce Freeman, and Christopher Hake	ing Perry	
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11	In re	) Case No. C 08-00201 JW	
12	COMUNITY LENDING, INCORPORATED, a	) Chapter 11	
13	California corporation,	) Honorable James Ware	
14	Debtor.	) Bankruptcy Case No. 08-50030 (MM)	
15	MAI CHRISTINA PHAM, JOHN PHAM, MAI	) Adv. Proc. No. 08-05006	
16 17 18	NGUYEN, HUNG PERRY NGUYEN, and JOYCE FREEMAN,  Plaintiffs,	DECLARATION OF JOHN PHAM IN SUPPORT OF PLAINTIFFS' AND COUNTERDEFENDANTS' MOTION FOR SUMMARY JUDGMENT	
19	vs.	) Date: September 22, 2008	
20	COMUNITY LENDING, INCORPORATED, a California corporation, and Does 1 through 10, inclusive,	) Time: 9:00 a.m. ) Courtroom: 8, 4th Floor	
21	Defendants.	) )	
22	Defendants.	) )	
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	DECLARATION OF JOHN PHAM ISO N	Case No. C 08-00201 JW	
	0036012/001/ 37837v01	MOTION FOR SUMMART JUDGMENT	

1	I, John Pham, declare:		
2	1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated		
3	below, and if called as a witness, I could and would testify competently thereto.		
4	2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and		
5	former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").		
6	3. My Plan benefits are comprised entire	y of salary that I earned and then deferred and	
7	the interest thereon.		
8	4. When the Plan terminated, my account had an aggregate balance of \$1,552,926.30.		
9	5. By no later than September 17, 2007,	BT, the Plan's trustee, had distributed my	
10	Plan benefits directly to the Company instead of to me. The Company has refused to return my		
11	Plan benefits.		
12			
13	I swear under penalty of perjury under the laws of the United States and California that the		
14	foregoing is true.		
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16	Dated this 9th of June, 2008	/s/	
17		John Pham	
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	DECLARATION OF JOHN PHAM ISO MO	Case No. C 08-00201 JW TON FOR SUMMARY JUDGMENT	

1	I, John Pham, declare:		
2	1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated		
3	below, and if called as a witness, I could and would testify competently thereto.		
4	2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and		
5	former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").		
6	3. My Plan benefits are comprised entirely of salary that I earned and then deferred an		
7	the interest thereon.		
8	4. When the Plan terminated, my account had an aggregate balance of \$1,552,926.30.		
9	5. By no later than September 17, 2007, IBT, the Plan's trustee, had distributed my		
10	Plan benefits directly to the Company instead of to me. The Company has refused to return my		
11	Plan benefits.		
12			
13	I swear under penalty of perjury under the laws of the United States and California that the		
14	foregoing is true.		
15			
16	Dated this 69 of JUNE, 2008  John Pham		
17	John Pham		
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	1 Case No. C 08-00201 JW DECLARATION OF JOHN PHAM ISO MOTION FOR SUMMARY JUDGMENT		
	0036012/001/ 37837v01		